

DEC 01 2006

REMARKS

The Office Action dated June 1, 2006 has been received and reviewed. This response, submitted along with a Petition for a Three-Month Extension of Time, is directed to that action.

Claim 1 has been amended to bring the claims into better form. Claims 16 and 17 are new. Support for these claims can be found throughout the specification and in originally filed claims 1-9. No new matter is believed to have been added.

The applicants respectfully request reconsideration based on the foregoing amendments and the following remarks.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claims 7-8 and 12-13 under 35 U.S.C. §112, second paragraph as indefinite. With regard to claims 7-8, the Examiner stated that the term "the odour-absorbing material" has no antecedent basis. The applicants have amended claim 1 to provide antecedent basis for this term as it occurs in dependent claims which follow. Therefore, this rejection is obviated.

Turning to claims 12 and 13, the Examiner stated that the "cover member" of claim 12 is the same as the flap in claim 1, and furthermore it is unknown what the "flap" in claim 13 relates to. Thus, the Examiner deemed these claims unclear. The applicants respectfully submit that the "cover member" of claim 12 is clearly not the same as the flap in claim 1, and the distinction between these components is described in paragraphs [0008] and [0038] of the published application, US 2006/0124477 A1. To summarize, the flaps of claim 1 are formed by the opening in the front surface of the clothes cover, which may be drawn back by the user to insert the clothes. The flaps are shown in Figures 3 and 4 as reference numerals 18 and 20. On the

other hand, the cover member of claim 12 is a length of material that covers the opening, and may provide concealment of the opening and, optionally, a fastening means.

In claim 13, the cover member is described as a "flap of sheet material connected at one side of the slit and extending across the slit, being securable at that position but releasable therefrom". Therefore, this "flap" of claim 13 is quite different from the flaps (18 and 20) of claim 1. The applicants submit that these distinctions are clear and unambiguous in the specification and claims, and that a person of ordinary skill in the art would most certainly understand the distinctions. Accordingly, the applicants respectfully submit that claims 12 and 13 are not indefinite, and request that this rejection be withdrawn.

The Examiner also requested that the term "odour" be changed to "odor". It is respectfully submitted that "odour", as it appears in the applicant's specification and claims, is merely an alternative spelling, and as such does not render the claim unclear or indefinite. Moreover, the applicants submit herewith a page from wikipedia.com that acknowledges the terms have an identical meaning, and that the spelling differences are well-known. Therefore, the applicants respectfully request that the Examiner withdraw the requirement to amend the spelling of "odour".

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-5, 7-8 and 10-15 under 35 U.S.C. §103(a) as obvious over either Marcellis (5,788,067) or Stephenson (2,315,909) in view of JP 08070981 or JP 110089699. The applicants respectfully traverse this rejection.

The applicants respectfully submit that a *prima facie* case of obviousness cannot be established because the references, as combined, do not teach all of the limitations of the present claims. The Examiner stated that either JP 981 or JP 699 teaches that it is known to make a cover from an odor-absorbing material. However, JP 981 teaches a deodorizing suit cover containing a deodorant, which is different from an odor-absorbing material. A deodorant composition functions by emitting a pleasant smelling odor that masks a foul odor or kills bacteria and other microbes that are responsible for the foul odor. On the other hand, an odor-absorbing material is a material which is generally very porous that *absorbs* chemical compounds responsible for foul odors. Consequently, the materials are not equivalent, and the combination of Marcellis or Stephenson in view of JP 981 does not teach a clothes cover comprising an odor-absorbing material.

Furthermore, JP 699 teaches a cover for protecting clothes from UV rays, and is completely silent as to the cover having any odor-absorbing material included thereon. In fact, JP 699 never mentions any material for controlling odor, never mind an odor-absorbent! Therefore, the combination of Marcellis or Stephenson in view of JP 699 does not teach all the limitations of the present invention, and the applicants respectfully request that this rejection be withdrawn.

The Examiner additionally rejected claims 1-15 under 35 U.S.C. §103(a) as obvious over Stephenson in view of JP 8266388 or Sesselman (5,539,930). The applicants respectfully traverse this rejection.

The applicants submit that a *prima facie* case of obviousness cannot be established over claims 1-15 because there is no motivation to combine the references as indicated by the

Examiner. The Examiner stated that it would have been obvious to use the sheet material of either JP 388 or Sesselman with a clothes cover of Stephenson to make the present invention. However, a person of skill in the art would not have been motivated to make this combination because there is no teaching or suggestion in the art to make this combination. Stephenson discloses a cover in which to place "cleaned garment[s]" (col. 1., line 33). Therefore, clothes carried in the Stephenson bag are *already* clean, and there would be no need for an odor-absorbing material in the bag simply because there are no odors. This leads to the inescapable conclusion that the Examiner has combined the references with the benefit of improper hindsight. Accordingly, the applicants submit that there is no motivation to combine the references, and respectfully request that the rejection be withdrawn.

The applicants additionally direct the Examiner's attention to new claims 16 and 17, and submit that the prior art cited by the Examiner in the present Office Action does not teach or suggest an embodiment of the present invention as taught in these new claims.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant

DEC 01 2006

Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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By



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